IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Crl.MC.No. 1940 of 2007()

AGAINST THE ORDER IN LP 79/06 IN
CC.1273/2003 of JUDL.MAGISTRATE OF FIRST CLASS-III, PUNALUR

.....

PETITIONER: NAME AND ADDRESS OF THE PETITIONER/ACCUSED

SHINU KOSHY,THOMPIL HOUSE,MANGARAM,
KONNI.P.O.,PATHANAMTHITTA DISTRICT.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENTS: NAME AND ADDRESS OF THE RESPONDENT

STATE OF KERALA, REP.BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1940 of 2007

Dated this the 18th day of June 2007

O R D E R

The petitioner faces indictment in a prosecution under Sections 279 and 304(A) I.P.C. He was enlarged on bail from the police station at the stage of investigation. Thereafter, he has not received any information of the filing of the final report or the taking of the cognizance against him. He was employed abroad. He now finds himself facing the unenviable predicament of a warrant of arrest issued by the learned Magistrate chasing him. The case against him has been transferred to the list of long pending cases also. The petitioner is willing to appear before the learned Magistrate and seek regular bail but he apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He has therefore come to this court with the prayer that directions under Section 482 Cr.P.C may be isued.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

3. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007